

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
SCH 1813 A

First named inventor: CHRISTOPHERS, Enno

Application No.: PCT/EP00/00776

Group Art Unit:

Filed: 1 FEBRUARY 2000

Examiner:

Title: HUMAN ANTIBIOTIC PROTEINS

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

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01 AUG 2001

Legal Staff  
International DivisionNOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- ☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$1240.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a transmittal letter for National Phase entry with \$860.00 check (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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02 FC:141

1240.00 DP

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

20 June 2001

Date

Signature

ANTHONY J. ZELANO, Reg. No. 27969

Typed or printed name

Telephone

Number: (703) 243-6333

Millen, White, Zelano & Branigan, P.C.  
2200 Clarendon Blvd., Ste. 1400  
Arlington, VA 22201

ENCLOSURES. ☒ Fee Payment

- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ PETITION FOR LATE ENTRY AND NATIONAL PHASE TRANSMITTAL LETTER

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

International Application No. : PCT/EP00/00776  
 International Filing Date : 1 FEBRUARY 2000  
 Priority Date(s) Claimed : 1 FEBRUARY 1999  
 Applicant(s) (DO/EO/US) : CHRISTOPHERS, Enno, et al.

Title: HUMAN ANTIBIOTIC PROTEINS

**PETITION FOR LATE ENTRY INTO U.S. NATIONAL PHASE**  
**UNDER 27 CFR 1.137(b)**

BOX PCT  
 Attn: PCT LEGAL AFFAIRS

SIR:

Applicant respectfully requests that entry into the U.S. National Phase be permitted.

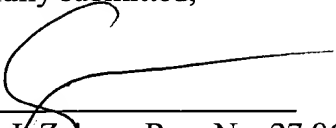
The entire delay in entering the U.S. National Phase (which was due October 1, 2000) until the filing of this grantable Petition was unintentional.

Applicants German counsel inadvertently filed a European national phase application instead of a Demand for International Preliminary Examination (through the EPO). Counsel was waiting for the International Preliminary Examination Report and made an inquiry of the status and discovered the error.

Applicants have enclosed herewith a check in the amount of \$1240.00 as required.

The Patent and Trademark Office is authorized to deduct any additional fees from, or credit any overpayments to, counsel's deposit account No. 13-3402, a copy of this paper being attached.

Respectfully submitted,



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AJZ:jmm